

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-003218

09/13/2010

JUDGE PRO TEM DENISE TOMAIKO
FOR COMMISSIONER ALYSSON H. ABE

CLERK OF THE COURT
L. Hart
Deputy

IN RE THE MATTER OF
CAROL JEAN CHACON

CAROL JEAN CHACON
6107 N CASTANO DR
LITCHFIELD PARK AZ 85340

AND

CARLOS DAVID CHACON

CARLOS DAVID CHACON
418 BORRETT ST
EL PASO TX 79907

FAMILY COURT CONFERENCE
CENTER-SE

NOTICE OF CONFERENCE AND EVIDENTIARY HEARING RESET
ON CHILD SUPPORT ISSUES

Courtroom 404 - SEA

10:21 a.m. This is the time set for Hearing on Modification of Child Support arising from Father's pro per *Petition to Modify Child Support* filed on June 23, 2010. The Petitioner/Mother, Carol Chacon (hereinafter referred to as "Mother"), is present on her own behalf. The Respondent/Father, Carlos Chacon (hereinafter referred to as "Father"), is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Prior to commencement of proceedings, Carol Chacon and Carlos Chacon are sworn.

LET THE RECORD REFLECT that the parties met informally with a Family Court Conference Center Officer prior to the commencement of today's hearing. The Court is advised that the Mother does not agree with modification of her child support obligation.

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Mother's position is that the agreement entered into between the parties and signed by the Court on May 13, 2010 should be honored. Father is in disagreement and wishes to modify Mother's child support obligation.

Mother states that at the time their agreement was entered into, the arbitrator was provided with copies of the parties' paystubs. Father did not file an Affidavit of Financial Information at the time he filed his Petition to Modify Child Support.

Court records indicate that pursuant to the *Order Modifying Custody, Parenting Time and Child Support* signed by the parties on May 3, 2010, signed by the Court on May 13, 2010, and filed with the Clerk of the Court on May 18, 2010, paragraph B states "Father waives right to child support in lieu of paying child support arrears. On November 1, 2010, Mother will begin pay \$171.00/wk through March 10, 2011." Paragraph F states "Child Support will be reduced to \$85.50/wk beginning 3/10/2011 and continuing until Jacob turns 18 or living arrangements change."

Father testifies that he signed the agreement due to the safety and well-being of his children and to get the children back into his custody. The original agreement made as to Mother's child support obligation setting Mother's child support obligation based upon Father's income. Father wishes child support to be modified based upon Mother's income. Father further testifies that he did not provide information regarding his current income or an Affidavit of Financial Information.

Mother testifies that on April 22, 2010, the children began residing with Father based upon agreement of the parties and pursuant to the agreement entered, Mother agreed to waive arrears in lieu of father paying child support. Mother testifies that she did not provide proof of current income or fill out an Affidavit of Financial Information

IT IS ORDERED resetting the **Evidentiary Hearing Re: Child Support** set this date. Petitioner and Respondent and counsel, if represented, are to appear in person and attend a conference with a conference officer and a subsequent evidentiary hearing that has been reset to **October 18, 2010** before **Comm. Alysson Abe** to the time and place stated below:

**CHECK IN LOCATION: Maricopa County Superior Court
Family Court Conference Center
222 E. Javelina Avenue, Suite 1300
Mesa, AZ 85210**

TIME OF CONFERENCE: 8:00 a.m. (60 min.); HEARING: 9:15 a.m. (45 min.)

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Father may appear telephonically by initiating a telephone call to the Family Court Conference Center at **(602) 506-2300** (Arizona time) at the aforesaid time and date, only if the information below is provided to Mother and the conference officer by October 4, 2010.

Mother is to check in at the location listed above. The parties will be directed to the appropriate courtroom at the conclusion of the conference.

The conference officer will meet with the parties, and their counsel, if represented, to determine whether the parties can agree on any of the issues. If they can, the conference officer will assist the parties in documenting the agreement and presenting it to the Court pursuant to Rule 69 of Arizona Family Court Rules. If the parties do not agree as to all of the issues necessary to resolve the pending petition, the Court will conduct an evidentiary hearing to determine those matters. It is the goal of the Court to provide the parties with a final resolution of the pending petition on this date. If good cause is shown that additional discovery or hearing time is needed in order for the Court to reach a just determination, the Court may schedule an additional hearing.

IT IS ORDERED

1. That each party shall **EXCHANGE THE DOCUMENTS LISTED BELOW BY NO LATER THAN OCTOBER 4, 2010 AND PROVIDE THREE (3) copies** of the following documents to the conference. If either party fails to bring the required number of copies, copies will be made at the time of the conference and they will be charged .50 per page copy fee pursuant to A.R.S. §12-284.

1. A financial affidavit completed by each party prior to the hearing.
2. Copies of your Federal and State income tax returns (personal, partnership, and corporate), as well as schedules, attachments, W-2s and 1099s, for the past year.
3. Copies of your pay stubs or statement of earnings for the last four (4) months and the name and address of the payroll office of your current employer.
4. The most recent statements or other records reflecting the amount of payments of any benefits, such as social security, SSI, AFDC or TANF, unemployment compensation, worker's compensation, retirement benefits and the like, as well as all other sources of income, e.g., trust and dividend payments, spousal maintenance, etc.
5. Proof of compliance with order to provide medical insurance.

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6. Payment records or check stubs reflecting your payment of court-ordered support for children other than the children for whom support is sought in this proceeding, for the past twelve (12) months.
7. Proof of direct payments for support made to the custodial parent for which you are requesting credit.
8. Evidence of parentage as to children not the subject of this action.
9. Evidence of payments for support of the child(ren) of this relationship made to authorities in any other state where the custodial parent resided.
10. A computation on a year-by-year basis of the past support/reimbursement believed to be due and owing, if any.
11. For Mother only - copies of medical, pregnancy and childbirth bills for which repayment is sought.

The above financial information is required to calculate the child support amount accurately. If you fail to bring this documentation to the conference and hearing, the child support ordered may not be accurate and may be to your disadvantage.

WARNING: FAILURE TO PROVIDE THE INFORMATION AS SET FORTH BELOW TO THE FAMILY COURT CONFERENCE CENTER AND THE OTHER PARENT NO LATER THAN OCTOBER 4, 2010, THE PARTIES MAY BE PRECLUDED FROM PRESENTING THIS EVIDENCE AT COURT.

THE CONFERENCE AND HEARING WILL NOT BE POSTPONED IF THE ABOVE ITEMS ARE NOT PROVIDED.

NOTICES REGARDING THE CONFERENCE AND HEARING PRE-CONFERENCE SETTLEMENT MEETING.

IT IS ORDERED that, unless an Order of Protection is in effect, the parties and counsel, if any, shall meet in person prior to the conference, and use their best efforts to narrow the issues in this case. In the event the parties and counsel, if any, have not met prior to the conference, they shall arrive one hour prior to the conference to discuss issues in this case.

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SETTLEMENT. If a settlement is reached, the parties must give prompt notice to the court as required by Rule 5.1 (c), Arizona Rules of Civil Procedure. The parties must submit a stipulation to the Judge before the above hearing date.

RESET. The conference and hearing will not be reset unless there is good cause. YOU MUST GIVE A COPY of your request to reset the hearing to the Judicial Officer assigned to your case and to the other parties in this matter. Your request must also tell the judicial officer, THE DATE YOU DELIVERED A COPY of the request to reset, THE ADDRESS TO WHICH THE COPY WAS SENT, AND WHETHER THE DELIVERY WAS BY MAIL OR BY HAND.

FAILURE TO APPEAR. If the person asking for the change(s) fails to come to court AT THE TIME REQUIRED, the petition may be dismissed. If the person opposing the change(s) fails to come to court AT THE TIME REQUIRED, the Judge may grant ALL RELIEF REQUESTED IN THE PETITION AND MAY issue an ARREST WARRANT.

Do not bring children to court. Children will not be allowed in the conference or in the hearing and you may not leave them unattended.

If you require the services of an interpreter of a spoken language, or for the deaf, or if you need accommodations pursuant to American's with Disabilities Act, please call (602) 506-3762 immediately and arrangements will be made to provide those services.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

**PLEASE NOTE: IMPORTANT INFORMATION RE: CD/VIDEOTAPE
FEE CURRENTLY IN EFFECT**

This Courtroom uses an electronic recording system for the record. All CDs and videotapes will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the JAVS and FTR courtrooms.

If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least seven (7) days before the commencement of the proceedings.

A person requesting a daily copy CD or videotape must complete the appropriate request form and pay the applicable fee at the Self-Service Center. Upon payment of the appropriate

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fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.